

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

Please cancel claim 2 without prejudice or disclaimer.

Please rewrite claim 1 to read as follows.

Please add new claim 6 as follows.

### **Listing of Claims:**

1. (currently amended) A lithium secondary battery, wherein lithium manganese oxide is used as a positive active material, said lithium manganese oxide having a cubic spinel structure of which strength ratio ( $P_2/P_1$  strength ratio) of a primary endothermal peak ( $P_1$ ) appearing around 950°C and a secondary endothermal peak ( $P_2$ ) appearing around 1100°C in differential thermal analysis, is 0.5 or less, said lithium manganese oxide having a formula  $[[Li(M_{1(x1)}M_{2(x2)}M_{3(x3)}\dots M_{m(xm)})_x Mn_{2-x}O_4]] Li_{(1+y)}(M_{1(x1)}M_{2(x2)}M_{3(x3)}\dots M_{m(xm)})_x Mn_{2-x-y}O_4$ , wherein  $M_1$  is Ti and  $M_2, M_3\dots M_m$  are metals selected from the group consisting of  $[[Li,]]$  Fe, Ni, Mg, Zn, Co, Cr, Sn, P, V, Sb, Nb, Ta, Mo and W,  $[[and]]$  wherein  $x$  is a substituted amount greater than zero,  $[[and]]$  wherein  $X_1$  is greater than zero, wherein at least one of  $X_2, X_3,\dots$  and  $X_m$  is greater than zero, wherein a sum of  $X_1, X_2, X_3,\dots$  and  $X_m$  is 1, and wherein  $y \geq 0$ .
2. (canceled)

3. (original) The lithium secondary battery according to claim 1, wherein said lithium manganese oxide is yielded by firing a mixture of salt(s) and/or oxide(s) of respective elements adjusted to a given proportion in an oxidation atmosphere, under a temperature in the range of 650 to 1000°C, and for a duration between 5 hours and 50 hours.
4. (original) The lithium secondary battery according to claim 3, wherein said lithium manganese oxide is yielded by carrying out said firing at least twice or more.
5. (original) The lithium secondary battery according to claim 4, wherein said lithium manganese oxide is yielded by gradually increasing a firing temperature as the number of times of firing increases.
6. (new) The lithium secondary battery according to claim 1, wherein y is greater than 0.